



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 3788 OF 2024

Mohammad Hamidoddin Mohammad Muniruddin

VERSUS

Mohid Khan Mohammad Khan Pathan And Another

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Advocate for the Petitioner : Mr. Pathan Hamzakhan I.

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 15, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Vide order dated 4.3.2024 the applications at 35 and 39 in R.C.A. No. 2/2024 have been rejected by the learned appellate Court. Application at Exh. 35 was filed for dismissal of the appeal on the ground of expiry of the limitation and the application at Exh. 39 was filed for directing the appellant to produce documents.
3. However, it is to be noted that vide order dated 6.1.2024 the application for extension of time for depositing the Court fees has already been allowed by the appellate court. Hence, the subsequent application filed by the defendant for dismissal of the appeal on the ground of expiry of limitation, so also the production of document filed in support of application for extension of time to deposit court fees would not be maintainable. Thus, the appellate court has rightly not entertained the applications and rejected the applications.
4. The petitioners are at liberty to take recourse against the order, allowing extension of time to deposit court fees, if it is available to the petitioners in law. The writ petition is dismissed.

(ARUN R. PEDNEKER, J.)